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# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91174281
Party	Defendant OKAMURA CORPORATION
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Date	10/21/2008
Attachments	Op. No. 91174281.pdf ( 2 pages )(17384 bytes )

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Krueger International, Inc.	)
Opposer,	)
vs.	Opposition No.: 91174281
Okamura Corporation,	)
Applicant	) ) )

#### APPLICANT'S MOTION FOR DISMISSAL ON THE GROUND OF THE FAILURE OF THE PLAINTIFF TO PROSECUTE

Applicant, by and through its undersigned counsel hereby moves pursuant to Rule 37 CFR § 2.132 - (TBMP 534) for dismissal of the instant Opposition on the ground of the failure of the Opposer to prosecute.

In accordance with the Board's September 24, 2008 Order, Opposer's Testimony period closed October 3, 2008. Opposer has not taken testimony or offered any other evidence.

For all of the foregoing reasons, Applicant requests that the Board grant Applicant's motion for the involuntary dismissal and judgment against Opposer since Opposer's time for taking testimony has expired and Opposer has not taken testimony or offered any other evidence.

#### **OKAMURA CORPORATION**

By: /george lewis/

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### **CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing APPLICANT'S REPLY TO OPPOSER'S RESPONSE TO APPLICANT'S MOTION TO COMPEL DISCOVERY RESPONSES was served via e-mail upon counsel for Opposer:

Adam Brookeman, Esq. Boyle Fredrickson sc 840 N Plankinton Avenue Milwaukee, Wi 53203-1802

this 21 day of October 2008.

/george lewis/